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10/748,088	12/30/2003	Mikko Jaakkola	KOLS.083PA	6864

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Hollingsworth & Funk, LLC
8009 34th Avenue South
Suite 125
Minneapolis, MN 54425

EXAMINER
THIER, MICHAEL

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 10/6/2008 have been fully considered but they are

not persuasive.

Applicant argues, "Contrary to the assertion at page three of the office

action, Kubosawa does not teach preventing application of a handover algorithm

to detect a need for a mobile terminal to change to another channel when a user

interface component is inactive."

In response to applicant's argument, the examiner would like to note that it was

never asserted that Kubosawa alone taught this argued limitation and one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, the

examiner clearly stated on page 3 of the office action that "Although Kubosawa teaches

that if there is no input from the user (figure 2, item S9, no input, i.e. the keypad has no

input, thus clearly reading on a user interface component being inactive) the device will

not handover, *he does specifically disclose that the handover algorithm (i.e. the mobile*

terminal checking if it should change to another channel) will be prevented." (emphasis

added)

Applicant further argues, that Zicker also fails to teach such limitations (i.e.

preventing application of a handover algorithm to detect a need for a mobile

terminal to change to another channel when a user interface component is

inactive), and that "…there is no indication that the deactivation command would

prevent application of a handover algorithm."

In response to applicant's argument, the examiner respectfully disagrees. First

the examiner would again like to note that one cannot show nonobviousness by

attacking references individually where the rejections are based on combinations of

references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The argued limitation is seen in

the combination of the two references. Kubosawa teaches the idea that if there is no

input from the user (figure 2, item S9, no input, i.e. the keypad has no input, thus clearly

reading on a user interface component being inactive) the device will not handover. The

examiner then asserts that although he teaches that if the user interface is inactive (i.e.

no input from the user), the device will not handover, he does not specifically teach that

the handoff algorithm will be prevented (i.e. he teaches that the device will not be

handed over, but will continue to run the algorithm to check if handover is necessary).

For this reason the examiner then shows the Zicker reference. Zicker discloses that the

keypad of a device can be deactivated and locked as explained in column 14 lines 20-

22 (thus causing the keypad to become inactive). He further explains in column 14 lines

22-25 and 37-41 that when the mobile is deactivated it becomes unusable and the

mobile is prevented from communicating information. The examiner understands that

when the mobile device becomes inactive and prevented from communicating

information, then it is therefore prevented from performing a handover algorithm. The

idea of preventing the mobile from communicating information, when combined with the idea of the mobile not performing handover when the user interface is inactive, would allow one of ordinary skill in the art at the time of invention to see the claimed limitations as obvious, since the handover algorithm would thus be prevented due to the fact that the mobile is prevented from communicating information (i.e. since the mobile cannot communicate information, it cannot perform the handover algorithm since the information necessary to perform the algorithm cannot be sent or received by the mobile.) For example, Kubosawa teaches that if the user interface is inactive, the device will not handover, however the device will continue to communicate and measure communication qualities. Zicker teaches that when the user interface is deactivated, and thus turned inactive, the device is also prevented from communicating information. This idea used in the system of Kubosawa would thus prevent the handover algorithm from being performed since there would be no communication to measure the quality of (i.e. since it is prevented), and thus the handover algorithm is prevented based on the user interface component being inactive.

Applicant further argues, that the "…asserted modification of Kubosawa would improperly change the principle of operation of the teachings of Kubosawa" and further states that "Kubosawa teaches away from preventing handover algorithm application when a device is inactive state..."

In response to applicant's argument, the examiner respectfully disagrees. The mere fact that Kubosawa teaches a way of preventing the handover from taking place,

does not mean he teaches away from the claimed limitations. As described above, the examiner has clearly pointed out how the combination teaches the claimed limitations and would have been obvious to one of ordinary skill in the art at the time of invention.

2.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T. T./
Examiner, Art Unit 2617
10/14/2008

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617